

Sandra Shackelford

From: Vicki Wheaton <vickiwheaton@gmail.com>
Sent: Thursday, January 18, 2018 4:37 PM
To: Sandra Shackelford
Subject: Re: Campbell supervisors hire new county attorney | Local News | newsadvance.com

Sandy,

I wasn't questioning whether or not the BZA could procure Counsel just how it was procured & presented to the BZA. Just because the Public isn't required for the BZA to procure legal counsel doesn't limit me from commenting & stating my concerns.

However, the main point is...why was he even hired when ACP LLC's Application for Variances is illegal to begin with? On what basis did you accept their application? Show me the code that says non property owners can apply for Variances...especially 11 of them. I've asked for this several times. It's not the responsibility of the BZA to determine if an application is legal or not...is it? If they had to seek Variances based on the fact that they meet the criteria for the Higher Standards of Critical Facilities & Hazardous Materials & therefore automatically have to seek Variances then why is there no reference to them in their application? How can the BZA go into Public Hearings without this information because many of the Public Comments will be surrounding these Higher Standards? To me these are questions you as the Director of Planning & Zoning & Floodplain Administrator should be able to answer as you determined the legality & completeness of the Application...don't you.

Despite your views of what I'm saying these are also my comments to the BZA Members so please make sure they receive them.

If you prefer I address my comments (questions & concerns) directly to the BZA in future comments I will. As you pointed out it's all very confusing. As you are presently the go between it seemed polite to address them to you. These are questions I feel the BZA should consider. What they do or not do with them is of course up to them.

If you can't answer my questions then who can? Steve, David?

Sorry to seem pesty but I need some answers.

Thanks,
Vicki



On Jan 18, 2018, at 3:09 PM, Sandra Shackelford <sshackelford@nelsoncounty.org> wrote:

Ms. Wheaton,

Virginia Code statutes 2.2-4344 and 15.2-2308 give the BZA the ability to hire an attorney without having to following the procedures required by the Public Procurement Act.

At this point, I again need to emphasize that I am unable to respond to the content of the questions raised in your email. I am requesting that moving forward, you refrain from contacting me regarding this matter unless it is to submit written information relevant to issues of law or fact for the BZA's consideration in the pending hearings.

Sincerely,

Sandy Shackelford, AICP
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434-263-7091

From: Vicki Wheaton [<mailto:vickiwheaton@gmail.com>]
Sent: Thursday, January 18, 2018 2:25 PM
To: Steve Carter <SCarter@nelsoncounty.org>; Sandra Shackelford <sshackelford@nelsoncounty.org>; Linda Staton <lstaton@nelsoncounty.org>; David Shreve <dwshrevelaw@comcast.net>
Subject: Campbell supervisors hire new county attorney | Local News | newsadvance.com

Steve & Sandy,

Was Nelson aware of this? So, now his fee is \$300/hour? Why wasn't a job posting done for this position like it was done for technical assistance. At Tuesday's BZA Meeting Sandy said she considered several applicants that responded to provide technical assistance to the BZA before she settled on Draper. Who else was considered for legal assistance besides David Shreve? His office is 1 hour & 18 minutes away so it's \$300 just for him to drive to Nelson. Part of Campbell County's decision was based on trying to keep their costs down. I'll give the benefit of the doubt by thinking his fee was less than local fees.

Please explain your decision. Was the BZA made aware of his contract with Campbell County not being renewed? My guess is there were other reasons as well but they didn't want to hurt his reputation.

If the BZA enforces our Floodplain Ordinance there's no need to hire an Attorney or Draper. They have the Ordinance & the discretion...period...no justification needed. The ordinance is all they need. Critical Facilities & Hazardous Materials are prohibited in our Floodplains for very good reasons. When the hoards show up on 2/12 you'll hear all of these reasons but the bottom line is you already know them so I suggest Nelson saves itself the time & trouble by just accepting the fact that it's absolutely insane to allow the ACP project to be in our County. If a higher power wants to force it on us let it be them & not us. We adopted our FPO to protect life & property...a very prudent choice. It's a no brainer. I assume you've hired David & Draper because you're wanting the BZA to consider approving Variances otherwise their services aren't required. Why do you think this is necessary? We are beholden to enforce our FPO. What happens after that is not our problem. ACP LLC will then have to decide if they want to bully their highly dangerous project into our Floodplains by using the Natural Gas Act, FERC...whatever. It's here that our FPO would need to be defended. We don't need or is it appropriate to defend it now. Let this go, place it in the higher powers hands to decide don't strip away local power.

Maybe ACP LLC will just go away & our FPO never needs to be defended. In my opinion no defense is even necessary but it appears that no amount of danger seems to be enough for ACP LLC to let go. Look at what just happened with the BZA in Augusta...another highly dangerous proposed project. Even Connie Brennan told their BZA that it was the worst project she has ever seen proposed. She feels the same about this situation. At their first meeting in Nelson ACP LLC told me/us that safety was one of their Golden Rules...I replied...my God then what are you doing here? Augusta & Buckingham could pose the same question. As can Bath, Highland....& their Residents have been showing up in hordes asking for their Counties to protect them from a Corporation who isn't even licensed in Virginia.

Since when is it legal for someone to ask for a Variance on property they don't own? How about I ask for a Variance on one of your properties. Even if they have easement agreements (& I know they don't have on at least 4 of them)...that this proves ownership is certainly challengeable. Also, the easement

agreements may not allow for Variances to be obtained & if ACP LLC withheld this information it could be interpreted as misrepresentation.

How would you feel about this? So far in Nelson & every other County along the ACP they have bullied their way onto resident's properties by using the VA right to entry law that Dominion wrote & got passed & now the Averitt's, Agelasto's etc are being threatened by Eminent Domain proceedings & also find out that Variances are trying to be obtained on their properties without their permission&/or knowledge. Please explain to me why you're going along with this madness? It's understandable that people are outraged &/or upset. Personally I applaud their ever increasing loud voices.

Then, despite all the suspicions etc out there already, David Shreve recommended that the BZA close their doors? My Counsel says the BZA should require him to put all his recommendations to them in writing & it be posted on their website so Counsel, individuals etc can make their comments or give opposing interpretations of the law. It's not wise to go into proceedings limiting transparency when transparency is already in question. In my opinion David Shreve needs to be replaced already as his impartiality has already been compromised & his interpretation of the law limited & questionable. For example there's no law stating that the public can't talk to BZA Members. I sent Sandy, David etc the code verifying this. The Augusta public is openingly communicating with BZA Members & the BZA Members are encouraging them to do so. Please let me know what is going on here?

I suggest you move the 2/12 Meeting to the High School as I'm completely confident 100s of people will be showing up.

I could go on & on & I will. This information is being widely distributed so I'm trying to give you the heads up here.

I just want to point out that this situation would have arose whether we amended our FPO or not so there was no harm in amending it...in fact it was the prudent thing to do & I'm grateful for the time & resources that the County expended. However, expending time & resources at this stage is a waste & could be detrimental to the little authority localities still have. Plus the application is illegal for all the reasons I've pointed out. That's what David Shreve should have pointed out to the BZA on 1/16. The fact that he didn't is reason enough to terminate his contract as he's encouraging the BZA to act illegally.

Thanks for your considerations & Sandy please make sure the BZA receives this e-mail & let me know the date & time it's sent to them.

Take care,
Vicki Wheaton

http://www.newsadvance.com/news/local/campbell-supervisors-hire-new-county-attorney/article_299efa70-92ab-11e7-9fe0-b71971ef54de.html



